

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MICHAEL SEWELL, *et al.*,
Plaintiffs,

v.

AGRANA FRUIT, U.S. INC., *et al.*,
Defendants.

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Civil Action No.: 4:20-cv-01033-O

[PROPOSED] ORDER

Before the Court is Defendant Continental Express, Inc.'s Motion for Reconsideration of this Court's prior order dated February 5, 2021 (ECF No. 14). Having considered the motion, the Court finds the Motion should be and is hereby **GRANTED**.

It is hereby **ORDERED** that this Court's prior order dated February 5, 2021 (ECF No. 14) is hereby **WITHDRAWN in part**. It is, further, **ORDERED** that Plaintiffs' Motion to Dismiss (ECF No. 13) should be and is hereby **DENIED in part**. It is, further, **ORDERED** that Defendant Continental Express, Inc.'s Motion for Summary Judgment (ECF No. 11) should be and is hereby **GRANTED**. It is, further, **ORDERED** that Plaintiffs' claims against Defendant Continental Express Trailer Leasing, Ltd. shall remain **DISMISSED without prejudice**.

Accordingly, pursuant to Federal Rule of Civil Procedure 56, it is hereby **ORDERED** that all claims that have been filed in this case against Defendant Continental Express, Inc. are **DISMISSED with prejudice**, with each party to bear its respective costs of court and attorney's fees. **SO ORDERED** this ____ day of _____ 2021.

Reed O'Connor
UNITED STATES DISTRICT JUDGE